

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

PAUL CLICK,

Plaintiff,

v.

STAR CONSTRUCTION, LLC

Defendant.

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No.

NOTICE OF REMOVAL

Without submitting to the jurisdiction of this Court and without waiving any available defenses, including, without limitation, lack of jurisdiction, improper venue, statute of limitations, insufficient process, or insufficient service of process, Defendant Star Construction, LLC, (“Star Construction”), by and through undersigned counsel and pursuant to 28 U.S.C. § § 1332, 1441, and 1446, hereby files this Notice of Removal of the above-described action to the United States District Court for the Middle District of Tennessee at Nashville from the Circuit Court for Davidson County, Tennessee, where the action is now pending, and states as follows:

1. This cause of action was commenced in the Circuit Court for Davidson County, Tennessee on April 5, 2022, and process was served on Star Construction on April 7, 2022. Therefore, removal is timely filed.

2. The action is a civil action for damages arising out of alleged injuries sustained in a trip and fall on the sidewalk near 818 19th Avenue South, Nashville, Tennessee. The United States District Court for the Middle District of Tennessee at Nashville has jurisdiction by reason of diversity of citizenship of the parties.

3. This suit is between the citizens of different states. At the time of the commencement of this action in state court, and since that time, the Plaintiff was and is a citizen

and resident of Rutherford County, Tennessee. (Compl. ¶ 1).

4. Star Construction LLC's sole member, Dycom Investments, Inc., is a corporation organized under the laws of Delaware with its principal place of business in Florida. Therefore, Star Construction is not a citizen of Tennessee.

5. The matter in dispute exceeds \$75,000.00, exclusive of interest and costs, based on a fair reading of the Plaintiff's Complaint. In the Complaint, the Plaintiff prays for damages "no less than \$500,000.00." (Compl). Accordingly, the jurisdictional amount is satisfied in this case.

6. A copy of all pleadings and orders served upon Star Construction is filed with this Notice and attached hereto as Exhibit A.

7. Star Construction will give written notice of the filing of this Notice as required by 28 U.S.C. § 1446(d).

8. A copy of this Notice will be filed with the Clerk of the Circuit Court for Davidson County, Tennessee, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Star Construction requests this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

CARR ALLISON

BY: /s/ Sean W. Martin

SEAN W. MARTIN, BPR #020870

CHANCEY R. MILLER, BPR #036124

Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2022, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system and delivered the foregoing document to all parties in this cause by placing a true and correct copy of same in the United States mail, postage prepaid, in a properly addressed envelope, or by hand delivering same to each such party as follows:

Carrie LeBrec
Morgan & Morgan – Nashville, PLLC
810 Broadway, Suite 105
Nashville, TN 37203
clabrec@forthepeople.com

This 5th day of May, 2022.

BY: /s/ Sean W. Martin
SEAN W. MARTIN, ESQ.
CHANCEY R. MILLER, ESQ.